

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

U.S. DISTRICT COURT
NO. 04-30019-MAP

UNITED STATES OF AMERICA)
)
)
V.)
)
)
ROBERT KNOWLES,)

MOTION TO SUPPRESS UNLAWFUL SEARCH AND SEIZURE INCLUDING SEIZURE OF
DEFENDANT'S PERSON AND THE FRUITS THEREOF

Now comes the defendant, ROBERT KNOWLES, in the above-entitled matter and states that he was the subject of an unlawful search and seizure. The Defendant respectfully moves that this Court suppress and forbid the introduction into evidence of property seized at 49 Quaboag Valley Co-op, Three Rivers, MA including but not limited to 1 "9" mm gun with clips and ammunition, cleaning rods, 1 latex glove, 1-optimus model 202, rags, 1-bag with plastic containers containing metal balls, 23 rounds 9mm wad cutters, 1 rounds jacketed H.P. ammo, 1-Sentry model 1150 Safe containing papers, 1-blue ski mask, 1-black ski mask, 1-cross bow with arrows, 1-spring leaded knife, 1-baggie of "BB's", 1-double edge knife, 1-pair of brass knuckles, 2-double edged knives with sheath-2 oz can pepper spray, 2-pair of handcuffs, 1-knife with 9 inch blade and sheath, 1-cigarette pack containing seeds, 1-scale, firecrackers, 1-box shells, 1-gun cleaning kit, 1-air gun, attached hereto) and all fruits thereof, on ROBERT KNOWLES, by members of the Palmer Police Department.

The Defendant states that the search and seizure was unlawful for the following grounds:

1. The warrant authorizing the search was not supported by legally sufficient probable cause;
2. The search warrant was illegally and unreasonably issued;

3. The search warrant was illegally and unreasonably executed;
4. The Defendant did not consent to the search of the premises;
5. The search warrant procedure violated the defendant's rights under Fourth and Fourteenth Amendments to the United States Constitution; and
6. The defendant's arrest was the product of the unlawful entry and seizure of his person; therefore all identifications and statements must also be suppressed pursuant to Wong Son v. United States, 371 U.S. 471 (1963).

In further support of this motion, the defendant relies upon the attached memorandum of law and the following Exhibits:

Exhibit 1 - Affidavit of Chris Burns support of search warrant.

Exhibit 2 - Warrant signed by Assistant Clerk Magistrate Janet Austin.

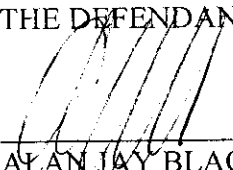
Exhibit 3 - Warrant Return

WHEREFORE, the Defendant states that the aforesaid evidence was obtained in violation of the Fourth and Fourteenth Amendments to the United States Constitution. The Defendant further requests the Court to set a hearing on the foregoing Motion and upon hearing, enter an order suppressing all evidence obtained against ROBERT KNOWLES, either directly or indirectly as a result of the seizure of items seized at the apartment located at 49 Quaboag Valley for the reasons set forth herein and on any other or additional grounds that may be adduced at hearing.

Respectfully submitted,

THE DEFENDANT

By:


ALAN JAY BLACK, His Attorney
1383 Main Street
Springfield, MA 01103
(413) 732-5381
BBO#553768

EXHIBIT

“1”

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SUPPLEMENTAL NARRATIVE FOR SGT. CHRISTOPHER J BURNS

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

MY NAME IS CHRISTOPHER J. BURNS, I AM A SERGEANT WITH THE PALMER POLICE DEPT. I HAVE BEEN IN THE FIELD OF LAW ENFORCEMENT SINCE 1988. IN OCTOBER OF 1993 I WAS APPOINTED AS AN INVESTIGATOR AND I CONTINUE TO WORK IN THAT CAPACITY IN 1998 I WAS APPOINTED TO THE RANK OF SERGEANT. I HAVE ATTENDED AND SUCCESSFULLY COMPLETED A 40 HOUR COURSE IN BASIC INVESTIGATION AT THE MASS. STATE POLICE ACADEMY IN NEW BRAINTREE. IN ADDITION I HAVE ATTENDED AND COMPLETED A 24 HOUR COURSE ON THE REID TECHNIQUE OF INTERVIEWING AND INTERROGATION AND A 24 HOUR COURSE ON CRIME SCENE INVESTIGATIONS AND CRIME SCENE PROCESSING. DURING THE PAST 15 YEARS I HAVE BEEN INVOLVED IN MANY INVESTIGATIONS THAT HAVE RESULTED IN THE ARREST AND SUCCESSFUL PROSECUTION OF MANY INDIVIDUALS INVOLVED IN VARIOUS FELONIOUS ACTIVITIES. ADDITIONALLY, I HAVE SUPERVISED NUMEROUS FELONY INVESTIGATIONS.

I AM CURRENTLY THE SHIFT COMMANDER FOR THE 4 P.M. TO 12 A.M. PATROL OPERATIONS OF THE PALMER POLICE DEPARTMENT. I ALSO HOLD THE POSITION OF FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR. I HAVE DEVELOPED AND IMPLEMENTED THE FIELD TRAINING PROGRAM CURRENTLY USED BY THE DEPARTMENT TO TRAIN ALL NEW OFFICERS. I AM ALSO ACTIVELY INVOLVED IN THIS TRAINING AS A FIELD TRAINING OFFICER. IN ADDITION I AM RESPONSIBLE FOR BACKGROUND INVESTIGATIONS OF ALL POTENTIAL EMPLOYEES OF THE PALMER POLICE DEPARTMENT.

On Friday April 18, 2003 at approximately 2312 hrs. a 911 call was received from Raymond J. Frazier at 77 St. John St. Thorndike, Ma. Mr. Frazier reported to Palmer Police that a person known to him as Robert Knowles had just come into his home at 77 St. John St. Mr. Frazier reported that Mr. Knowles choked him and threatened to shoot him. Ptl. Rebecca Lukaskiewicz was dispatched to that location to speak with Mr. Frazier. Ptl. R. Lukaskiewicz took a preliminary written statement from Mr. Frazier. In this statement Mr. Frazier stated that Robert Knowles (a person known to him) entered his home on this date at approximately 2300 hrs. He stated that Mr. Knowles choked him, threatened to shoot him and threatened to kill his mother and father if he (Frazier) didn't give Knowles \$700.00 for a court case that the two had been convicted in in 2002.

On Saturday April 19, 2003 at 1630 hrs. I began a follow up investigation into this matter. I contacted Mr. Frazier and asked that he come to the station to be interviewed. Mr. Frazier agreed to come to the station. Since he did not have any transportation I transported him. I began the interview with Mr. Frazier at approximately 1700 hrs. During the interview I took a four page statement from Mr. Frazier about the incident with Mr. Knowles at Frazier's home on April 18, 2003 at 2300 hrs. Mr. Frazier gave the following statement:

On Friday night 04-18-03 at around 11:00 p.m. I was at my home at 77 St. John st. in Palmer, Ma. My mother Corrine Klaus and my step father Robert Klaus were home sleeping in their bedroom which is located at the end of the hall in the back of the house. They went to bed around 9:00 p.m. My mother Corrine Klaus and my step father Robert Klaus live at this address also. They own the house. We are the only people that live in this house at this time. My younger brother Joe Frazier (17 years old) lived here at 77 St. John St. about three months

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ago. Joe moved out about three months ago to live with his girlfriend Faith in Chicopee Ma. Joe has not come back to the house for any reason since he moved out.

On this date at about 11:00 p.m. I was lying in my bed watching t.v. My bedroom is in the front of the house. While lying in bed I could see headlights from a car on the street. I saw the car go by my house, turn around on the street and then stop at the top of the hill and sit there. I could see the headlights but could not see the car or see who was in the car. The car sat there for about a minute or two before I heard someone on my front stairs. When I heard this I got out of bed and went to the living room to turn on the porch light and see who it was. Before I turned on the light I heard the door bell ring once. When I turned on the light I could see a person known to me as Robert Knowles (hereinafter referred to as Bobby) standing on the front porch. I also turned on the inside light at this time.

When I turned on the inside light Bobby looked right at me. He opened the front door and walked right up the stairs toward me at a fast pace. I did not tell Bobby to come in to the house, he just opened the door and walked right in. When Bobby met me at the top of the stairs he immediately grabbed my throat with his right hand and was squeezing my adam's apple. At the same time he covered my mouth with his left hand so I couldn't speak. Bobby walked me forcefully into the kitchen still holding me in the same manner. He pushed me against the wall and held me there. As I tried to pull away from Bobby he squeezed my throat. While he was holding my throat I could not breathe. Bobby pushed his chest against me and held me against the wall with all of his weight. Bobby kept holding his left hand on my mouth. He let go of my throat with his right hand and dropped his hand to his right side. When Bobby raised his hand back up he was holding a grayish colored handgun that looked like a 9mm. Bobby held the gun right up to my forehead and started threatening me. The gun was about two inches from my forehead.

Bobby told me that I owe him money for the court incident with Jerusa. He said that if I didn't pay it he was going to have to. Bobby Knowles told me that he could kill me right here and watch my brains go all over the place. Bobby then said that he would go in my parents room and kill them so that there are no witnesses. Bobby said that he would then move out of town and no one would ever know. Bobby also said that he could slice my throat from left to right and watch my insides fall out. Bobby said that he was going to do this to me if I didn't pay him \$700.00 for the court thing with Jerusa. Bobby said that if I don't pay him this money by Monday he was going to come to my work and kill me. He told me that if he didn't find me at work he would come to my house and kill me. He kept repeating over and over again that he would kill me. Bobby kept his hand over my mouth and then put the gun away and put his hand on my throat again. He would tighten his grip to the point that I couldn't breathe.

Bobby told me that his partner in crime was waiting outside for him. He told me that this person just got out of prison and that he and this person have been "boys" since he (Bobby) was in prison. Bobby told me that if I go to the police about this and he gets arrested, His partner in crime will kill me. Bobby told me that I better come up with the money by Monday. He then let go of me and walked right out the door. I was terrified at this time and was just staring straight ahead. I do not know where Bobby went or who he met up with. I stood in the kitchen against the wall in a terrified state for a few minutes. I was just like in shock and

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unable to move. I then called the police and waited for the officer to come. The officer came and I gave a brief statement to her. I didn't tell the officer about the gun because I am really scared of Bobby Knowles. I figured that the police would just talk to Bobby about what happened and not do anything. I did not wake up my parents because I knew they had to get up in the morning and I didn't want them to know about this. During the time that all of this was going on I truly believed that Bobby was going to kill me. I have never been so scared in my life. I believed that Bobby was going to shoot me.

After the police left I went with my friend shane and stayed at his house because I was afraid that if Bobby came back and found me he would kill me. I have not been able to sleep because of the threats he has made. I am scared for my life right now because I know how Bobby Knowles is. I know that he knows Karate and TI klick boxing. He has told me stories about hurting people and I saw him beat a friend of mine up about four months ago. That friend that he beat up was Danny Webb. I know that he is a very violent person and is capable of doing what he said.

I have known Bobby Knowles for about three years. I met him at the Main Pub in Three Rivers when I was living there. Bobby became friends with me and my brother Joe and had been over our house on several occasions over the years. My parents never really liked Bobby Knowles. A few times they told me that I should pick better friends. They told me that Bobby was too old and that he was not the type of person I should hang around with. Bobby is 40 years old and I am 20. Bobby has always been more friends with my brother than with me. Since I got in trouble with Bobby for the Jerusa incident back in February of 2002 I haven't been hanging around with him that much. Bobby Knowles has not been over my house since my brother Joe moved out in January of 2003. I have not had any contact with Bobby since January. I have not had contact with him because I know my parents didn't like him and I didn't want to get thrown out of the house. It was also court ordered that Bobby and I do not have any contact. The court order was the result of the Jerusa incident in Granby, Ma.

The Jerusa incident that I have been referring to happened in February of 2002. I think it was February 22, 2002. Jerusa was a friend of mine, I think she is about 18. She lived in Granby back in February of 2002. Back in February Jerusa had asked me to come over her house to party. I went to her house with Bobby Knowles, My brother Joel and my friend Danny Webb. Bobby bought Jerusa some alcohol and we all hung out there. While we were there Bobby started stealing tools and Bow's and arrows from the house. It turned into a whole big mess and we were all charged by the Granby police for breaking and entering and a few other things. When this case went to court we were all ordered to pay \$1400.00 dollars to the court for restitution. We were supposed to split the cost between us all. This is why Bobby knowles wants money from me. I have already paid the court about \$250.00.

I have been over Bobby Knowles trailer at 49 Quaboag Valley co-op in Three Rivers several times since I met him. Bobby lives there with his girlfriend Linda Barron, she actually owns the trailer. Shortly after I met Bobby Knowles I was over his trailer playing video games with him in his bedroom. I got up to use the bathroom and then came back in the room. When I came back in Bobby showed me two hand guns. The guns he showed me were a grayish color

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(similar to the color of Sgt. Burns' gun) 9mm handgun and a .45 caliber handgun that was gray with gold grips. Bobby told me that these guns were his. We were in his bedroom when he showed me the guns. Bobby has the bedroom that is at the back of the trailer. He and Linda do not share a bedroom. After showing me the guns Bobby left them on the dresser. This incident occurred shortly after I met him.

On or about March 30, 2001 I went for a ride with Bobby Knowles. He had called me and asked if I wanted to go for a "High" ride with him, (drive around and smoke pot.) I said sure so he came and picked me up. After Bobby picked me up we went to Breckenridge St. in Palmer. Bobby parked the car on the right hand side of the road near the water tower. He told me to get out of the car and walk with him on the trails. We walked on the trails through the woods for a while and then came out behind my friend Ryan Martins house on Breckenridge St. Ryan lived there with his mother Sandra Harrington and her boyfriend Eric Collins. When I saw where we were I asked Bobby what we were doing. Bobby told me that we were breaking into the house to get Eric's guns. I told him that I was not. Bobby pulled out a chrome colored handgun and pointed it at my face. He told me that he needed the guns and that I was going to get them for him. Bobby told me that if he saw me come out of the window without them he would shoot me right there.

I broke into the house by climbing through a window that was unlocked. I lifted the window up and it opened. The window led into the kitchen. I remember that there was a plant in the way so I moved it out of the way. I don't remember what I did with it. Once I got into the house Bobby came half way through the window and was telling me to look through dressers, behind closets and stuff like that. Bobby stayed in the window like this the entire time that I was in the house. A couple of times I told him that I couldn't find the guns. Bobby told me that I better get them because I'm not coming out until I do. I finally found the guns in Eric's bedroom. I think one of the guns was in the dresser and one was in a closet. The ammunition was in a drawer with one of the guns. While I was in the house I also took some jewelry. When I got out side with Bobby he told me that if I ever told anyone about this he would kill me. We went back to his car and he dropped me off at my house. Bobby put the guns and jewelry in the trunk of his car and left.

Bobby knew about the guns being at this house because Ryan Martin was over my house one time talking to my brother Joe about the Guns. Bobby Knowles was over at the same time and heard the conversation. Ryan Martin, My brother Joe and Eric Collins went on a snowmobile trip the weekend that me and Bobby knowles broke into eric's house.

Over the last two years I have broken into at least 3 or 4 houses and possibly more with Bobby Knowles. I remember breaking into a house in Brimfield, Ma. where a DVD player, credit cards, money, a paint ball and some other stuff was stolen. I did this breaking and entering with Bobby Knowles. In this B&E Bobby was in the house with me. My friend Danny Webb was with us but he stayed in the car. We broke in in the daytime. I broke a window with a screwdriver. The window was in the back of the house and I believe it was a back bedroom window. I can't remember when we did this but it was winter time. Bobby dropped me off after and then went on his way. Bobby kept all the stolen things. Bobby had a gun with him when we broke into this house. On the day that we broke into this house Bobby Knowles

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came to my house to pick me up. He would just show up when he wanted to go break in somewhere. He would tell me to come with him and do it with him. Bobby always brought a gun and always threatened me with it.

I also remember breaking into a house in Belchertown, Ma. where we took two handguns. We broke into a house in Bondsville and stole a handgun and a wallet and some cash. I do not remember when we did these two breaks. I don't know how to get to the houses but I would remember them if I saw them. Robert Knowles was with me for these two breaks and came inside the homes with me. In all of the breaks that I have described I wore latex gloves so that I would not leave finger prints. Bobby knowles wore leather gloves. Bobby Knowles has told me that he has stolen cars and broken into houses alot in his life. He told me that he always wears gloves and dresses in dark clothing. Bobby knowles has also told me that he wants to Kill Sgt. Burns and Officer Melnick of the Palmer Police Department. Bobby Knowles said that he wanted to kill these officers because they arrested him.

Mr. Frazier completed the statement and interview at approximately 1955 hrs. Mr. Frazier read the statement and stated that it's contents were true. He signed the statement. After taking the statement I transported him back to his residence.

In his statement Mr. Frazier stated that he has been involved in breaking and entering into dwellings on at least 4 occasions in the past two years with Mr. knowles. He also stated that handguns were stolen in the breaks and that Robert Knowles took possession of those handguns. Additionally, he stated that he had been in the trailer at 49 Quaboag Valley Co-Op where Robert Knowles lives. Mr. Frazier stated that Robert Knowles showed him two handguns while in the rear bedroom of the trailer. Mr. Frazier stated that on April 18, 2003 when Robert Knowles entered the Frazier home he (Robert Knowles) had a hand gun in his possession when he threatened to kill Mr. Frazier. Mr. Frazier described the handgun as a "grayish colored handgun that looked like a 9mm".

Robert Knowles (D.O.B. 11-21-62, SS# 018546837) is a 40 year old adult male who has an extensive criminal history involving numerous violent felonies. He has been arraigned for forty five (45) criminal offenses as an adult and seventy three (73) criminal offenses as a juvenile. Robert Knowles criminal history includes convictions for Assault with a Dangerous weapon (handgun), Illegal possession of a firearm, A&B with a dangerous weapon, 2 counts of armed robbery, Armed assault in a dwelling and numerous other crimes against the person and crimes against property. Additionally, Robert Knowles has been convicted on four occasions for escape.

The residence of Robert G. Knowles is located in the Quabag Valley Co-op mobile home park located on Palmer Rd. in Three Rivers Massachusetts. The Mobile home park consists of approximately 90 mobile homes and borders the Quaboag river to the north. There are four roads in the main section of the park, they are; Sky Line Terr. which runs from Palmer Rd. to the rear of the park and intersects with Pine View. Pine View which runs from Palmer Rd. to the rear of the park where it ends after intersecting with Sky Line Terr., Mountain View which runs through the park from Sky Line to Pine View and Maple lane which also runs through the park connecting Pine view with Sky Line.

Robert Knowles lives in the mobile home located at 49 Quaboag Valley Co-op. Mr. Knowles lives at this location with his Girlfriend Linda Yvette Baron who owns the mobile home. 49 Quaboag Valley Co-op is a yellow vinyl sided mobile home with a car port and enclosed porch area on the left side. There is also a shed in

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the left yard of this property. 49 Quaboag Valley is located on Sky Line Terr. in the Quaboag Valley Co-Op mobile home park. It is the fourth (4th) trailer on the right from Pine view. As a result of Robert Knowles' criminal history and his previous commitments to state prison he is not able to legally possess any handguns, rifles, shotguns or firearms. Robert Knowles does not possess a firearms identification card or License to Carry firearms. Palmer Police Department records reveal that the owner of the residence, Linda Baron, does possess a firearms identification card class c permit.

Based on the information provided by Raymond Frazier I believe that there is probable cause to believe that Robert G. Knowles (D.O.B. 11-21-62, SS# 018546837) who lives at 49 Quaboag Valley Co-Op in Three Rivers, Ma. has committed the crime of Assault & Battery, in violation of M.G.L. c.265 s.13A, Home invasion, firearm-armed, in violation of M.G.L. c.265 s.18c, Extortion by threat of injury, in violation of M.G.L. c.265 s.25, Intimidate a witness, in violation of M.G.L. c.268 s.13B, Assault with a dangerous weapon, in violation of M.G.L. c.265 s.15B, Threat to commit murder, in violation of M.G.L. c.275 s.2, B&E nighttime felony, in violation of M.G.L. c. 266 s.16 and Firearm violation with 3 prior violent crimes, in violation of M.G.L. c. 269 s.10G.

Based upon the foregoing facts and information I have probable cause to believe that the Grayish colored 9mm or similar type handgun used in the above described offenses will be found within 49 Quaboag Valley Co-Op in Three Rivers, Ma.

I respectfully request the court issue a warrant authorizing the search of 49 Quaboag Valley Co-Op in Three Rivers, Ma. and directing that if any of the aforementioned evidence or part thereof be found that it be seized and brought before the court. Due to the easily secretable nature of the property sought, I respectfully request authorization for the search of all persons present upon the above premises. Additionally I request authorization to search all out buildings located on the above property and the search of a 1992 chevy corsica sedan white in color w/ ma. reg. 7351PH, a 1997 Dodge Stratus color green with Ma. Reg. 3433Nm and a 1998 chevrolet malibu color green with Ma. reg. 6750YA. These vehicles are owned by Linda Baron but commonly used by Robert Knowles.

Due to the nature of the crimes and concerns for the safety of officers I respectfully request that I be authorized to search at any time during the night and to enter the premises without announcement.

Signed under the pains and penalties of perjury this day of ,2003

COPY

Sgt. Christopher J. Burns
Palmer Police Department

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EXHIBIT

“2”

MAP0047

EXHIBIT

“3”

RETURN OF OFFICER SERVING SEARCH WARRANT

A search warrant must be executed as soon as reasonably possible after its issuance, and in any case may not be validly executed more than 7 days after its issuance. The executing officer must file his or her return with the court named in the warrant within 7 days after the warrant is issued. G.L. c. 276, §34

This search warrant was issued on _____, 19____, and I have executed it as follows:

The following is an inventory of the property taken pursuant to this search warrant:

1. 1- Lorcin 9mm w/10 round clip and 10 rounds 9mm Jacketed H.P.
2. 2- Gun Cleaning Rods w/ 7 attachments
3. 1- Used latex glove, 1- Optima's Model 200 VCR Ser # D9541220
4. 2- Bags, 1- Bag w/ Plastic Containers containing metal ball + unknown
5. 23- rounds 9mm wad cutters Ammo.
6. 31- rounds 9mm Jacketed H.P. Ammo.
7. 1- "Sentry" Model 1150 safe w/misc. Papers
8. 1- Blue ski mask, 1- Black ski mask
9. 1- Cross Bow w/14 Arrows
10. 1- Spring loaded Knife, 1- baggie of BB's
11. 1- Double edge Knife, 1- pr. Brass Knuckles
12. 3- Double edge knives w/sheath, 7- Throwing Stars
13. 1- 2 oz. can pepper spray
14. 2- pr. Handcuffs, 1- Knife w/9" blade and sheath
15. 1- Cigarette pack containing seeds and plant fragment
16. 1- Scale, 1- Smoking App., 2 pks Fire Crackers
17. 1- Box (25 shells) "Winchester" 410 shells
18. 1- Gun Cleaning bit in zip lock bag
19. 1- Crosman Air Gun Ser # 789594435, 1- Machete
20. 2- Swords w/sheaths, 1- Night owl Night vision

(attach additional pages as necessary)

This inventory was made in the presence of: Sgt. Chris Burns, Ptl. John Melnic, Ptl. William Bray, Sgt. Rodney North

I swear that this inventory is a true and detailed account of all the property taken by me on this search warrant.

SIGNATURE OF PERSON MAKING SEARCH	DATE AND TIME OF SEARCH	SWORN AND SUBSCRIBED TO BEFORE
X _____		X _____ Signature of Justice, Clerk-Magistrate or Assistant Clerk
PRINTED NAME OF PERSON MAKING SEARCH	TITLE OF PERSON MAKING SEARCH	DATE SWORN AND SUBSCRIBED TO

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